

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts  
Southern District of Texas  
FILED

February 28, 2022

Nathan Ochsner, Clerk of Court

United States of America

v.

Damaris GAUSIN Estupinan

YOB: 1988

Citizenship: Mexico

Israel FERRER Zarate

YOB: 1987

Citizenship: Mexico

Case No. 7:22-MJ-416

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 27, 2022 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:*Code Section*

18 USC §922(g)

*Offense Description*

It is illegal for any person who, being an alien, except as provided in subsection (y)(2), has been admitted to the United States under a non-immigrant visa to possess ammunition which has previously traveled in and affected interstate or foreign commerce.


This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Complaint authorized by: AUSA Lee Fry

Submitted by reliable electronic means, sworn to and attested to telephonically per Fed. R. Cr. 4.1, and probable cause found on:

Date: 02/28/2022 at 7:04 p.m.City and state: McAllen, Texas/s/ Janet Dougherty*Complainant's signature*Janet Dougherty, HSI Special Agent*Printed name and title*  
*Judge's signature*J. Scott Hacker, U.S. Magistrate Judge*Printed name and title*

## ATTACHMENT A

On February 27, 2022, at approximately 9:20 PM, two individuals later identified as Israel FERRER Zarate (FERRER) and Damaris GAUSIN Estupinan (GAUSIN), attempted to exit the United States into Mexico through the Hidalgo, Texas Port of Entry (POE) in a gray Dodge Journey bearing Mexico License Plates DAD-73-11, and the vehicle was selected for an outbound inspection by Customs and Border Protection (CBP).

At primary inspection, FERRER, the driver of the vehicle, indicated to CBP personnel that there was ammunition in the vehicle. CBP Officers then inspected the vehicle and located 498 rounds of 9mm caliber ammunition zip-tied to the vehicle's battery. Upon further inspection of the vehicle, CBP Officers discovered 500 rounds of .223 caliber ammunition, six firearm magazines, a red-dot sight, a P80 Polymer Micro conversion kit, a P80 Polymer 9mm pistol, and a disassembled Exothermic Pulsefire device.

Homeland Security Investigations (HSI) Special Agents were contacted for investigative assistance and conducted an interview of FERRER. During the interview, FERRER indicated that he is a citizen of Mexico who resides in Jalisco, Mexico. FERRER stated that he entered the United States on February 27<sup>th</sup> to shop to attend a gun show being held in McAllen, Texas, where he purchased approximately 500 rounds of 9mm ammunition, 500 rounds of .223 ammunition, a flame thrower, spare parts for a Glock, and firearm magazines. He further admitted that he and his wife (GAUSIN) concealed these items in various parts of the vehicle.

HSI Special Agents also interviewed GAUSIN, who indicated that she is a citizen of Mexico and that she entered the United States on February 27<sup>th</sup> to shop and so her husband (FERRER) could attend a gun show being held in McAllen, Texas. During the interview GAUSIN admitted that she and FERRER purchased ammunition, accessories for weapons, and a flame thrower at the gun show, and that she assisted FERRER in placing the items purchased from the gun show in different areas of the vehicle.

During the outbound inspection, both FERRER and GAUSIN provided CBP Officers with B-1/B-2 Visa/Border Crossing Cards. Immigration checks of GAUSIN and FERRER verified that both FERRER and GAUSIN were previously issued B-1/B-2 Visas. Individuals possessing this type of non-immigration visa are prohibited from possessing firearms and ammunition in the United States.

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Special Agent Adrian Cavanaugh, a recognized expert in the interstate and foreign commerce travel of firearms and ammunition conducted a preliminary examination of the 9mm ammunition found in the vehicle and determined that the ammunition was manufactured outside of the State of Texas.